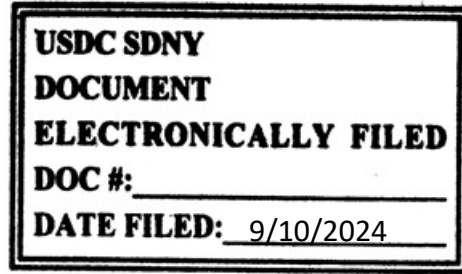


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September 10, 2024

VIA ECF

The Hon. Judge Katharine H. Parker
 United States Magistrate Judge
 District Court for the Southern District of New York
 500 Pearl Street, Room 750
 New York, New York 10007

Re: *GMO Gamecenter USA, Inc. et al. v. Whinstone US, Inc., No. 1:22-cv-05974.*

Dear Judge Parker:

Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”) has been retained to represent Defendant/Counterclaim-Plaintiff Whinstone US, Inc. (“Whinstone”) in the above-referenced matter as co-counsel with Debevoise & Plimpton LLP (“Debevoise”). We write, pursuant to Your Honor’s Individual Practices in Civil Cases Rule 1.c, to respectfully request an extension of the discovery schedule to allow us time, as new counsel, to familiarize ourselves with the facts and documents before depositions begin.

Specifically, Whinstone respectfully requests a three-month extension, as follows:

	Current Deadline	Requested Extension
Completion of Fact Depositions / Close of Fact Discovery	November 22, 2024	February 21, 2025
Initial Expert Reports	January 10, 2025	April 10, 2025
Rebuttal Expert Reports	February 24, 2025	May 23, 2025
Close of Expert Discovery	March 17, 2025	June 17, 2025

On August 1, 2024, the parties advised the Court that “[g]iven the gating issue of resolving the ongoing document discovery disputes and the subsequent need to schedule depositions, the Parties anticipate that the case schedule will need to be extended.” ECF No. 167 at 2. Following a conference before the Court on August 7, 2024, during which Your Honor denied certain of Plaintiffs’ applications for additional document discovery, the Court issued a revised schedule setting November 22, 2024 as the deadline for the parties to complete fact depositions. ECF No.

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ABU DHABI | ATLANTA | AUSTIN | BEIJING | BERLIN | BOSTON | BRUSSELS | CHICAGO | DALLAS | DOHA | HAMBURG | HONG KONG | HOUSTON | LONDON |
 LOS ANGELES | MANNHEIM | MIAMI | MUNICH | NEUILLY-LA DEFENSE | NEW YORK | PARIS | PERTH | RIYADH | SALT LAKE CITY | SAN FRANCISCO |
 SEATTLE | SHANGHAI | SILICON VALLEY | SINGAPORE | STUTTGART | SYDNEY | TOKYO | WASHINGTON, DC | WILMINGTON | ZURICH

171 at 1. Plaintiffs GMO Gamecenter USA, Inc. and GMO Internet, Inc. (collectively, “GMO”) objected to certain of Your Honor’s August 7 document discovery rulings on August 21, 2024. ECF No. 181. Whinstone opposed those objections on September 4, 2024. ECF No. 185. Yesterday, GMO filed a motion for leave to file a reply in support of its objections. ECF No. 188. The objections remain pending before Judge Cronan.

Yesterday morning, following our appearance in the action, we reached out to counsel for GMO to request their consent to a three-month extension as a professional courtesy. GMO responded that they are unwilling to consent to the request, citing the previous extensions of the schedule. It is our understanding, however, that those prior extensions were often driven by GMO’s requests and delays, and that Whinstone has consistently consented to GMO’s requests for reasonable extensions.¹

Moreover, since the parties proposed November 22, 2024 as the new deadline for fact depositions to be completed (at the August 7 conference), bankruptcy proceedings were filed in the United States Bankruptcy Court for the Southern District of Texas in connection with another matter to which Whinstone is a party. The expedited proceedings in that bankruptcy action will require Whinstone witnesses in this case, along with Whinstone in-house counsel, to be heavily engaged with depositions throughout October. Co-counsel has requested GMO’s consent to a more limited extension of the schedule for that additional reason, but GMO has declined to consent to that request as well.

We appreciate the Court’s desire to complete discovery and keep the case moving along. We do not take lightly this request for an extension and want to assure the Court that we do not seek to delay the matter. However, this is a very important case for our client, and we have just recently been asked to co-counsel with Debevoise. There are a substantial number of documents,

¹ For example, at an October 2023 conference, GMO proposed an extension of three to four months to complete its document productions. ECF No. 99 at 5-10. Whinstone did not object to that extension, *id.*, and on October 19, 2023, the Court issued an order extending the fact discovery deadline from October 27, 2023 to April 10, 2024, ECF No. 105 at 1-2. At a February 5, 2024 conference, GMO proposed a 6-week extension of the fact discovery deadline; Whinstone proposed an 11-week extension given that GMO had only made its latest document production days earlier—after not producing documents for several months—and was expected to make additional rolling productions, including of many documents in Japanese. ECF No. 122 at 47-54. The Court accordingly extended the fact discovery deadline to June 5, 2024. ECF No. 121 at 1. After GMO continued to make belated productions of voluminous documents, many in Japanese, Whinstone had no choice but to seek an additional extension of the schedule, on April 11, 2024. ECF No. 135 at 1-2. On April 12, 2024, the Court extended the fact discovery deadline to July 3, 2024. ECF No. 137 at 1. As noted, the parties’ most recent application for a schedule extension, on August 1, derived from “ongoing document discovery disputes” between the parties. ECF No. 167 at 2. The Court ruled upon those disputes at the August 7, 2024 hearing, but GMO objected to a number of those rulings on August 21, 2024. ECF No. 181.

including many in Japanese, and we need the additional time to get up to speed before depositions commence.

We thus respectfully request that the Court extend the discovery deadlines as set forth above, or, in the alternative, schedule a conference to discuss an alternative schedule acceptable to the Court.

Respectfully submitted,



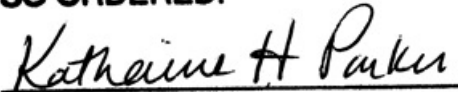
Michael B. Carlinsky

Attorney for Whinstone US, Inc., Defendant and Counterclaim Plaintiff

cc: All counsel of record (via ECF)

Defendant's request for an extension is GRANTED and the Court adopts the proposed revised schedule. However, the Court is unlikely to grant further extensions of the discovery schedule. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 189.

SO ORDERED:


HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

9/10/2024